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20 UNITED STATES DISTRICT COURT

21 FOR THE NORTHERN DISTRICT OF CALIFORNIA

22 SAN FRANCISCO DIVISION

23 AMERICAN FEDERATION OF
24 GOVERNMENT EMPLOYEES, AFL-CIO;
25 AMERICAN FEDERATION OF STATE
26 COUNTY AND MUNICIPAL EMPLOYEES,
27 AFL-CIO; et al.,
28

Plaintiffs,

v.

UNITED STATES OFFICE OF PERSONNEL
MANAGEMENT, et al.,

Defendants.

Case No. 3:25-cv-01780-WHA

**DECLARATION OF FORMER UNITED
STATES OFFICE OF PERSONNEL
MANAGEMENT DIRECTOR
KATHERINE ARCHULETA**

DECLARATION KATHERINE ARCHULETA

I, Katherine Archuleta, hereby declare as follows:

1. I am the former Director of the United States Office of Personnel Management (OPM). I make this statement based on personal knowledge and if called as a witness could and would testify competently thereto.

2. I was appointed to the position of OPM Director by the President of the United States on November 4, 2013, and I held that position until July of 2015.

3. Prior to my appointment as OPM Director, I worked for approximately 20 years in local and federal government positions. I started my career as an elementary schoolteacher in Denver, Colorado, and then worked in local Denver government. I later served as the Deputy Chief of Staff and Chief of Staff for the U.S. Department of Transportation, as Senior Advisor at the U.S. Department of Energy, and as Chief of Staff to the U.S. Secretary of Labor.

4. Subsequent to my years of service in the federal government, I have remained active in public service and civic affairs, including in my current position as the Co-Founder of the Latina Initiative. The mission of the Latina Initiative is to encourage Colorado's Latina voters to use their voices and their votes to influence elected leaders and policy makers throughout the state. I served as a Trustee of the University of Denver from 2016 to 2021. I currently serve as a member of the Board of Trustees of the Rose Community Foundation, Commissioner of the Denver Urban Renewal Board, and Conservation Colorado. In 2020, I was inducted into the Colorado Women's Hall of Fame for my lifelong commitment to public service.

5. In my role as OPM Director, I was responsible for overseeing the office that serves as the Human Resources office for the entire federal government, and as a result, I am familiar with the civil service laws and regulations that govern recruiting, hiring, development and support for federal workers.

6. From my time working at three federal agencies (Transportation, Energy, and Labor) and as the OPM Director, I am very familiar with the respective roles that federal executive agencies and OPM play with respect to hiring and termination of federal employees, including those employees considered to be probationary under the civil service system.

1 7. Probationary employees are generally those who have worked for the federal
2 government in their positions for less than two years. These individuals can be quite experienced in
3 their fields, and they often bring private sector, academic, and other government experience and
4 talent that the federal government needs. This category of newer hires also includes the future of the
5 federal workforce.

6 8. During my time as OPM Director, the office worked to ensure that federal agencies
7 were supported in their efforts to recruit and retain talent to serve our country.

8 9. The probationary period plays a critical role in the evaluation and integration of new
9 employees. Prior to hiring, probationary employees undergo extensive screening and interviews to
10 assess their qualifications for the position. Once hired, the probationary period itself is designed to
11 allow both the employee and employer to further assess the fit and suitability for the role. During this
12 time, evaluations, reviews, and mentoring are integral to the process. Employers have a
13 responsibility to conduct periodic assessments of the probationary employee's performance, ensuring
14 a fair evaluation of their capabilities as potential permanent staff. This collaborative effort serves to
15 confirm that only the most qualified individuals transition into the permanent workforce at the
16 conclusion of the probationary period. All of these decisions are made at the agency or office level,
17 where each entity assesses whether the probationary employee is prepared for transition into a
18 permanent position.

19 10. I have become aware of the incoming Presidential Administration's actions with
20 respect to probationary workers throughout the country from reports in the press regarding mass
21 terminations throughout the federal agencies. These reports are concerning and disturbing. It is
22 inconceivable to me that the federal government would endeavor to eliminate the category of
23 probationary workers. This is not remotely in the public interest and, in my experience, these
24 terminations appear to ignore the civil service laws and regulations that I implemented and enforced.

25 11. In particular, to the extent that OPM was involved in directing federal agencies to
26 terminate workers, I am not aware of any legal authority for OPM to issue such an order. The federal
27 agencies are authorized by Congress to make hiring and firing decisions, within the confines of the
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1 federal civil service protections. Our role at OPM was to support those agencies in those decisions,
2 not to make those decisions for them.

3 12. The speed and extent of the terminations by agencies of large numbers of probationary
4 workers, in my experience, could only have occurred as a result of a central mandate. It is simply not
5 possible, in my experience, for so many federal agencies to have independently and simultaneously
6 decided to terminate large numbers of their workers. That would be unprecedented, and logically
7 impossible.

8 13. In my experience, and under the laws and regulations that apply to federal
9 employment with which I am familiar, any agency that wished to release an individual, including a
10 probationary individual from employment, would conduct an individualized assessment of
11 performance. If the news reports are correct about the volume of the terminations, it is not possible
12 for these agencies to have done proper assessments of all of these employees. Nor is it plausible that
13 all these employees have performance issues.

14 14. In my experience, and under the laws and regulations that apply to federal
15 employment with which I am familiar, agencies determine whether to propose a reduction in force.
16 OPM does not propose reductions in force at agencies. And, any agency that wishes to conduct such
17 a reduction would need to comply with the regulations governing reductions in force, including by
18 providing sufficient advance notice to employees, their representatives, and state and local
19 governments that may be affected. This is not an undertaking to be taken lightly and without
20 planning. Agencies engage in significant advance planning before conducting a reduction in force,
21 and they must respect the protections given to workers who are permitted to compete for other federal
22 jobs rather than lose their seniority, benefits, and compensation.

23 15. I am disheartened to learn that the office that I led with pride, with a mission and
24 dedication to supporting federal agencies and their employees, has been involved in what appears to
25 me to be the wholesale mistreatment of federal workers.

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1 I declare under penalty of perjury under the laws of the United States that the foregoing is true
2 and correct. Executed this 22d day of February 2025, in Denver, Colorado.

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4 *Katherine Archuleta*
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